

Michael F. Easley  
Governor



State of North Carolina  
Office of the Governor

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For Release: **IMMEDIATE**  
Date: May 11, 2007

Contact: Seth Effron  
Phone: 919/733-5612

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**GOV. EASLEY URGES NATION'S GOVERNORS TO CALL ON U.S. HOUSE TO PROTECT  
STATE AUTHORITY OVER NATIONAL GUARD**  
*President Could Take Guard Forces Under DOD Pandemic Flu Plan*

**RALEIGH** – Gov. Mike Easley today sent a letter to the nation's governors urging them to get their states' representatives in the U.S. House to support repeal of a law adopted last year that expands the power of the president to take control over the National Guard in extreme emergencies. Easley said this is necessary so governors can effectively respond to natural and manmade disasters to protect their citizens. The House Armed Services Committee this week approved the FY 08 National Defense Authorization Act that includes language that would make the change. The bill is expected to be taken up by the full House next week.

A U.S. Department of Defense plan released this week determined that Guard forces would be needed immediately to respond to a pandemic flu. Easley said with the current law, the president would have the power to take control over the National Guard, leaving states on their own.

**The following is the text of the letter Easley sent to the nation's governors:**

As you know, governors have been united in seeking repeal of Section 1076 of the 2007 National Defense Authorization Act passed last year that says the president is justified in calling up National Guard troops, without consent of a governor, in times of "natural disaster, epidemic or other serious public health emergency, terrorist attack or incident or other conditions." This seriously weakens our ability to respond to disasters in our state while unwisely expanding the president's authority over the National Guard. It throws into question our power to command the National Guard in our own states.

I want to thank you for your efforts to repeal this law, which already seem to be getting results. However, concerns regarding Section 1076 were highlighted by the release this week of the Department of Defense Implementation Plan for Pandemic Influenza. There are two important points we must consider.

First, the plan states in the event of a pan flu outbreak, state and local jurisdictions will be overwhelmed and Reserve and National Guard forces would be needed to provide support in such crucial areas as medical services and transportation. Under the law as it is written now, the president would have the power to take control over the National Guard at such a critical time.